



## Town Council - Meeting Agenda

**September 5<sup>th</sup>, 2023 @ 6:30pm**  
**Council Chambers - 1 Portland Avenue**

*[www.oobmaine.com/town-council](http://www.oobmaine.com/town-council)*

*\*Members of the public wishing to view the meeting from home may tune into Local Access TV (Channel 3 or 1301 - check with your provider) or by clicking the Meeting Videos link on [oobmaine.com](http://oobmaine.com).)*

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ACKNOWLEDGEMENTS:**

### **GOOD & WELFARE:**

### **PRESENTATION:**

PD Presentation – Chief Chard

FY 2022 Audit Presentation – RHR Smith & Co.

**ACCEPTANCE OF MINUTES:**

**Acceptance of Minutes from the 8/15/2023 Regular Council Meeting.**

Chair: Shawn O'Neill

**PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:**

Sonia Persechiri, (206-29-15), 6 A Street, one seasonal short-term rental.

AGH Properties, Dan Hoffman, (205-1-3), 44 Adelaide Rd., one year-round short-term rental.

Bluestone Partners LLC, John and Petra Donovan, (312-7-12) 53 West Old Orchard Ave., one year-round long-term rental.

Colm Hogan, (318-8-6-14), 146 West Grand Ave #14, one year-round short-term rental.

Eric Hobin, (106-5-17), 9 Birch Lane, one year-round short-term rental.

Marshal and Julie Armitage, (318-8-1), 29 Reggio, two year-round short-term rentals.

Danielle Chapman, (316-3-7-A & B), 4 Odessa Ave. Units A & B, two seasonal, short-term rentals.

Chair: Shawn O’Neill

## TOWN MANAGER REPORT

### UNFINISHED BUSINESS:

#### AGENDA ITEM #7966

**Discussion with Action:** Enact an Emergency Ordinance establishing a Moratorium on Short Term Rentals, whereas no specific regulations governing Short Term Rentals exists under the Town of Old Orchard Beach's Zoning Ordinances, which the Town Council has determined creates a public emergency under the provisions in Section 410.1 of the Town Charter, and which has raised concerns related to public safety and welfare and potential adverse effects on the fabric of residential neighborhoods.

Tabled at 8/15/2023 Regular Town Council Meeting.

Chair: Shawn O'Neill

Council will this fall begin an extensive review of what, if any, ordinance changes to make for the purpose of regulating short term rentals. The primary concern has been and remains the rapid spread of these types of rentals to the Town's traditional residential neighborhoods on the land side of the railroad tracks and away from the water. For that reason, the moratorium applies to new business licenses in those neighborhoods (not to renewals of existing license holders). It does not apply to commercial zones where lodging is currently permitted by the ordinance. In addition, the moratorium would not apply to properties for which there was a transfer of title or ownership within the past 12 months, in recognition that individuals may have made purchasing decisions with the expectation of conducting short term rentals.

**NEW BUSINESS:**

**AGENDA ITEM # 7980**

**Discussion with Action:** Town Council to consider amendments to Ch. 71, Article III, Sec. 78-41 (b). This amendment proposes changes to the Post-construction Stormwater Management ordinance.

Chair: Shawn O'Neill

The purpose of this Chapter 71 stormwater amendment is to comply with the Town's Stormwater Management Plan as part of our MS4 stormwater permit. Development projects requiring stormwater management plans also have an annual certification requirement for stormwater Best Management Practices (BMPs). This amendment is to require a record of maintenance for sites with identified deficiencies be submitted to the Town.

**TO: Old Orchard Beach Town Council  
Diana Asanza, Town Manager  
Tim Fleury, Executive Assistant**

**FROM: Planning Department**

**SUBJECT: Post-Construction Stormwater Management Amendments**

**REQUEST: Council Introduction, Review Draft Ordinance**

**DATE: 1 August 2023**

This is an introduction to the proposed Post-Construction Stormwater Management draft ordinance amendment. The purpose of this Chapter 71 stormwater amendment is to comply with the Town's Stormwater Management Plan as part of our MS4 stormwater permit. Development projects requiring stormwater management plans also have an annual certification requirement for stormwater Best Management Practices (BMPs). This amendment is to require a record of maintenance for sites with identified deficiencies be submitted to the Town.

### **Why are the amendments needed?**

- We have an existing Post-Construction Stormwater Management that needs to be amended.
- This is a requirement of our MS4 permit identified in our Stormwater Management Plan.
- Plan language below:
  - Measurable Goal 5.2b – By July 1, 2023, the Town's Post-Construction Stormwater Management Ordinance (Chapter 71) will be updated to include provisions requiring the following for sites reporting that maintenance is required:
    - Deficiencies will be corrected within 60 days of identification and a record of the corrective action taken will be provided to the Town's Enforcement Authority within the same 60-day period.
    - If it is not possible to correct the deficiency and notify the Town within 60 days, the property owner will coordinate with the Enforcement Authority to establish an expeditious schedule to correct the deficiency and will provide a record of the corrective actions taken.

### **Background information:**

- Stormwater management plans and annual certifications are currently required for all new development and redevelopment projects that disturb greater than or equal to one acre.
- This includes projects less than one acre that are part of a larger common plan of development or sale, or projects that result in 20,000 square feet or more of impervious area in the watershed of an urban impaired stream.
- This requires submittal of an annual report certifying that the post-construction BMPs have been inspected by a qualified post-construction inspector and are either adequately maintained and functioning as intended or if they require maintenance or repair.
- Currently there is no requirement to provide a record to the Town that systems with identified maintenance or repair have had those issues corrected.
- This ordinance adds the requirement to provide record of the corrective action taken.

### **What does this ordinance amendment impact?**

- Annual certifications that identify needed maintenance or deficiencies will need to submit record of the correction action taken within 60 days of identification.
- If it can't be corrected within the timeframe the owner will need to coordinate with the Codes/Planning to establish an expeditious schedule to correct the deficiency and provide record of the corrective actions.

**Chapter 71 Amendments to Post-Construction Stormwater Management (8/23)**

New language underlined

**Sec. 71-41. - General requirements.**

Any person owning, operating, leasing or having control over post-construction BMPs required by a post-construction stormwater management plan approved under this chapter shall demonstrate compliance with that plan as follows.

(b) That person shall take any necessary corrective action(s) required to maintain properly functioning post-construction BMPs as intended by the approved post-construction stormwater management plan, and that person shall repair any deficiencies found during inspection of the post-construction BMPs within 60 days of identification. A record of the corrective action taken shall be provided to the Enforcement Authority within the same 60-day period. If it is not possible to correct the deficiency and notify the Enforcement Authority within 60 days, the property owner shall coordinate with the Enforcement Authority to establish an expeditious schedule to correct the deficiency and shall provide a record of the corrective actions taken.

## AGENDA ITEM # 7981

**Discussion with Action:** Town Council to consider amendments to Ch. 78, Article II, Sec. 78-36 (b); Article VI, Sec. 78-215 (b) (3), (4) and renumber existing (4), (5), and (6); Article VIII, Sec. 78-1412; and 78-1856 – 1863. These amendments propose changes to the Erosion and Sedimentation Control ordinance to comply with the Town's current Stormwater Management Plan.

Chair: Shawn O'Neill

The purpose of this Chapter 78 ESC ordinance amendment is to comply with the Town's Stormwater Management Plan, as part of our Municipal Separate Storm Sewer System permit (MS4). This requires that erosion and sediment control Best Management Practices (BMPs) at construction sites be consistent with the applicable sections of the 2022 MS4 General Permit. This proposed ordinance was drafted using multiple local resources with assistance from Christine Rinehart at Wright Pierce, who assists with our MS4 program compliance. The Planning Board made a recommendation at their 13 July meeting that Town Council consider these ordinance amendments.



**TO: Old Orchard Beach Town Council  
Diana Asanza, Town Manager  
Tim Fleury, Executive Assistant**  
**FROM: Planning Department**  
**SUBJECT: Erosion & Sedimentation Control (ESC) Amendments**  
**REQUEST: Council Introduction, Review Draft Ordinance**  
**DATE: 1 August 2023**

This is an introduction to the proposed Erosion & Sedimentation Control (ESC) draft ordinance. The purpose of this Chapter 78 ESC ordinance amendment is to comply with the Town's Stormwater Management Plan, as part of our Municipal Separate Storm Sewer System permit (MS4). This requires that erosion and sediment control Best Management Practices (BMPs) at construction sites be consistent with the applicable sections of the 2022 MS4 General Permit. This proposed ordinance was drafted using multiple local resources with assistance from Christine Rinehart at Wright Pierce, who assists with our MS4 program compliance. The Planning Board made a recommendation at their 13 July meeting that Town Council consider these ordinance amendments.

### **Why are these amendments needed?**

- We have an existing ESC ordinance but it needs to be amended to meet the MS4 permit requirements.
- Our Stormwater Management Plan says we will update applicable ordinances by July 1, 2023
- This requires use of current Maine DEP Chapter 500 standards
- These amendments must include local enforcement capability – this will help Codes with enforcement of site ESCs

### **Background Information**

#### **Why do we need an Erosion and Sedimentation Control ordinance?**

- To ensure that construction activity on both private and public property does not impact water resources by preventing erosion and sediment from entering local water resources.
- Sediment is a stormwater pollutant that is made up of soil particles that have been detached from the land by erosion.

#### **What is our goal with this ordinance?**

- The goal of this ordinance is to meet the MS4 permit requirements for ESCs and have a mechanism to address ESC noncompliance on individual lots.
- This ordinance will help achieve this goal by requiring applicable sites to provide and follow an ESC plan.

#### **Which proposals will this ordinance apply to?**

- This will apply to all uses and construction resulting in disturbed area, regardless of size, that also requires a shoreland zoning permit, building permit, or site plan, subdivision, conditional use, administrative design review, or private way approval.
- These will require a written soil erosion and sedimentation control plan which needs to include:
  - temporary and permanent erosion and sedimentation control measures shown on the construction plan(s) and/or building plans.
  - erosion and sedimentation control notes and details within the plan set, and
  - inspection, maintenance, and housekeeping requirements during construction within the plan set.

#### **How will this ordinance impact our review process?**

- Construction projects with a disturbed area greater than one acre require stormwater management plans be submitted, which already requires an ESC plan. These larger projects typically go through the Planning Board and are reviewed by Town’s engineer Wright Pierce.
- Smaller construction projects with a disturbed area less than one acre would need to submit an ESC plan to the permitting authority for review.
- These ESC requirements were expanded to apply to all uses and construction resulting in disturbed area, regardless of size, that also requires a shoreland zoning permit, building permit, site plan, subdivision, conditional use, administrative design review, or private way approval. Flexibility was included in the ordinance for sites less than an acre of disturbed area (flexibility explained under Applicability section below)

**What are the different parts to this proposed ESC ordinance?**

**1. Purpose**

The purpose of this ESC ordinance amendment for Section 78-1856 through 78-1863 is to help control erosion and prevent the migration of sediment at construction sites to protect offsite natural resources, properties, and the Towns MS4.

**2. Definitions**

This ordinance includes a couple specific definitions for disturbed area and permanently stabilized.

**3. Applicability**

This section outlines what proposals this would apply to. One of the reasons we expanded the applicability was to try to capture individual lots in a subdivision, which are often offenders of sites having inadequate erosion and sedimentation control measures. The flexibility with this includes the following:

- Only sites resulting in greater than or equal to an acre of disturbed area are required to comply with Chapter 500 Appendix B, subsection B.1(C) Documentation requirements.
- The level of detail shown on the ESC plan shall be based on the size and complexity of the project.
- The code enforcement officer, other municipal staff, or their designee may waive the inspections beyond confirming ESCs have been installed, if a project results in less than one acre of disturbed area.
- ESC inspections for projects resulting in less than one acre of disturbed area and requiring only a building permit, may be conducted as part of a required building permit inspection based on the code enforcement officer’s discretion.

**4. General standards**

This requires developments to be designed to fit with topography and soils of the site and limit areas of steep slopes where high cuts and fill may be required.

**5. Requirements**

This part outlines requirements for the following:

- ESC plans including that they meet the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers.
- Requires the amount of exposed soil to be minimized.
- Requires drainageways to be protected and specific design requirements for design and construction of drainageways.
- Includes onsite requirements for washout/cleanout from concrete, stucco, paint, curing compounds or other construction materials.

## **6. Plans**

This outlines the minimum requirements for an erosion and sedimentation control plan.

## **7. Inspections**

Required ESC inspections are listed under this section and includes who can inspect, right of entry and access requirements, and the specific inspections.

## **8. Enforcement**

This section will help with current enforcement of ESCs, especially for individual lots which seem to be the more frequent offenders of not installing or maintaining them, by outlining specifics for Notice of Violations, Stop Work Orders, and Enforcement measures.

### **Important Points**

- This Chapter 78 ESC ordinance amendment is to comply with the Town's Stormwater Management Plan, as part of our Municipal Separate Storm Sewer System permit (MS4).
- Other amendments included are referencing these ESC requirements under relevant sections which includes Building Permits, Administrative Site Plan review, and Private Way plan submission.
- We extended the ESC plan requirements to apply to building permits, while incorporating flexibility for Code Enforcement or designee to limit impacts to existing review and inspection procedures.

**Suggested update to Sec. 78-36 to include ESC requirements under building permit applications**

New proposed draft language underlined.

**Sec. 78-36. Applications for building permits and certificates of occupancy.**

- (a) All applications for building permits and certificates of occupancy shall be made in writing on forms furnished by the code enforcement officer.
- (b) All applications for building permits for new construction or additions shall be accompanied by plans drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact size and location on the lot of buildings already existing, if any; and the location and dimensions of the proposed buildings or alterations, including parking facilities. The application shall include such other information as lawfully may be required by the code enforcement officer to determine conformance with and to provide for the enforcement of this chapter. The plans shall also include an erosion and sedimentation plan as required by Article VIII, Division 8 Erosion and Sedimentation Controls, of this chapter.

## Existing ESC ordinance below to be replaced with new draft ESC ordinance to meet MS4 requirements

Deletions shown as ~~strikethrough~~

### Sec. 78-1856. ~~Applicability of standards.~~

~~The following standards shall apply to all uses with the exception of the construction or expansion of single-family detached houses and their accessory uses or structures:~~

- ~~(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a shoreland zoning permit or site plan, subdivision, or conditional use approval shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 
  - ~~a. Mulching and revegetation of disturbed soil.~~
  - ~~b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.~~
  - ~~c. Permanent stabilization structures such as retaining walls or riprap.~~~~
- ~~(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.~~
- ~~(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all states of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.~~
- ~~(4) Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine months of the initial date of exposure. In addition:
 
  - ~~a. Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.~~
  - ~~b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.~~
  - ~~c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.~~~~
- ~~(5) Natural and manmade drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a 25-year storm or greater and shall be stabilized with vegetation or lined with riprap.~~

**Private Way submission requirements: Add ESC plan requirements (8/23)**

New language underlined

**Sec. 78-1412. Plan submission.**

A plan showing the private way for one lot shall be prepared by a registered land surveyor licensed to practice in the state. A plan showing the private way for two or more lots shall be prepared by a registered land surveyor and professional engineer licensed to practice in the state. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the surveyor and/or engineer preparing the plan. The plan shall be labeled "Plan of a Private Way" and shall provide an approval block for the signatures of the planning board, the date of approval, and the words, "Private Way, Approved by the town Planning Board." The plan shall show information sufficient to establish on the ground the exact location, direction, width, and length of the private way. In addition, a street plan, profile and cross section shall be submitted for each private way serving two or more lots. The plan shall also include an erosion and sedimentation control plan as required per Article VIII, Division 8 of this Chapter. The plan shall also contain a note which shall read, "The Town of Old Orchard Beach shall not be responsible for maintenance, repair, plowing, or similar services for the private way shown on this plan." The original plan shall be recorded in the county registry of deeds within 60 days of approval by the planning board. If the plan is not recorded within this period, the approval of the planning board shall be void.

**AMENDMENTS TO CHAPTER 78, ARTICLE VIII, DIV. 8 – EROSION AND SEDIMENTATION  
CONTROL, SEC. 78-1856 through 78-1863  
(D1 – 8/2023)  
All new language**

**DIVISION 8. EROSION AND SEDIMENTATION CONTROL**

**Sec. 78-1856. Purpose**

The purpose of this division is to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of the Town of Old Orchard Beach by establishing minimum requirements to control erosion at construction sites and prevent migration of sediment from construction sites so that erosion and sedimentation do not adversely impact off-site natural resources, properties, or the municipal separate storm sewer system.

**Sec. 78-1857. Definitions**

*Disturbed area.* "Disturbed area" means all land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Cutting of trees without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area".

*Permanently stabilized.* "Permanently stabilized" means areas that have been brought to final grade and have been stabilized with vegetation, seeding, sod, or through the use of permanent mulch, riprap, gravel road base, or pavement. Vegetated areas are considered permanently stabilized when vegetation is well-established with 90% mature vegetation cover.

**Sec. 78-1858 Applicability**

The provisions of this division shall apply to all uses and construction resulting in disturbed area, regardless of size, that also requires a shoreland zoning permit, building permit, or site plan, subdivision, conditional use, administrative design review, or private way approval. The provisions of this division require a written soil erosion and sedimentation control plan for such construction.

**Section 78-1859 General Standards**

Development shall be designed to fit with the topography and soils of the site, to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

**Sec. 78-1860 Requirements**

- (1) The erosion and sedimentation control plan shall show the use of erosion and sedimentation control measures consistent with the minimum standards outlined in the Maine Department of Environmental Protection's Land Rule, Chapter 500 Stormwater Management, Appendix A Erosion and Sediment Control, Appendix B.1 Inspection and Maintenance During Construction (subsections B.1(a) Inspection and corrective action and B.1(b), Maintenance), and Appendix C Housekeeping. Appendix B, subsection B.1(c) Documentation, shall apply to projects resulting in greater than or equal to one acre of disturbed area.

Erosion and sedimentation control measures shall be designed, installed, and maintained according to the latest revisions of the following Maine Department of Environmental Protection documents:

- a. Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers.

b. Maine Erosion and Sediment Control Practices Field Guide for Contractors.

- (2) Erosion and sedimentation control shall be designed to protect downgradient buffer areas as well as areas where stormwater may flow offsite. Catch basin inlets receiving flow from construction sites, both onsite and offsite, shall be provided with inlet protection.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving disturbed area and shall be in operation during all stages of the construction until the site has been permanently stabilized. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion. Temporary control measures shall not be removed until the site has been permanently stabilized.
- (4) Natural and manmade drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed, at a minimum, to convey water from a 25-year storm and shall be stabilized with vegetation or lined with riprap.
- (5) If washout/cleanout from concrete, stucco, paint, curing compounds or other construction materials is to be completed on the construction site, designated area(s) shall be established and marked on the erosion and sedimentation control plan. This area shall be a minimum of 50 feet from all drainage structures, ditches, waterbodies, and protected natural resources as defined in 38 M.R.S. §480-B, as well as property boundaries. If 50 feet is not possible, the washout area shall have necessary controls in place to not allow it to overflow or secondary containment for the washout area shall be provided. The area shall not have an outlet to discharge wastes or flows. No detergents shall be used or vehicles washed in this location. A leak-proof pit or container shall be established in the washout area(s), to which washings shall be directed. This area shall be used for washout containment and dewatering by evaporation only. The pit shall not allow infiltration to occur. To prevent clean water from entering the pit, the washout area shall be covered during precipitation events. Contractor inspections of the pit shall be conducted daily to ensure no leaks are present and no discharge is occurring.

Sec. 78-1861 Plans

- (1) The erosion and sedimentation control plan shall be submitted to the permitting authority for approval as part of the land use development process or with the shoreland zone or building permit application, and shall include, at a minimum:
  - a. temporary and permanent erosion and sedimentation control measures shown on the construction plan(s) and/or building plans.
  - b. erosion and sedimentation control notes and details within the plan set, and
  - c. inspection, maintenance, and housekeeping requirements during construction within the plan set.

The erosion and sedimentation control notes and details and inspection, maintenance, and housekeeping requirements may be required to be supplemented with additional written information as needed.

- (2) The level of detail shown on the erosion and sediment control plan shall be based on the size and complexity of the project. The permitting authority may require the erosion and sediment control plan, notes, and details and inspection, maintenance, and housekeeping requirements be prepared by a professional engineer, landscape architect, or other licensed professional with expertise in the erosion control measures, if warranted by the size or complexity of the project, or by the potential impacts of the project on natural resources or off-site property.



- (3) During construction, the code enforcement officer or designee, may require the contractor prepare a phasing plan for construction projects resulting in more than five acres of disturbed area at any one time. The phasing plan shall show the limits of each phase and the temporary or permanent stabilization methods to be used for each phase. The phasing plan shall require the stabilization of each phase to be completed before the next phase, such that no more than five acres of disturbed area is present at any one time.

#### Sec. 78-1862 Inspections

- (1) Conduct of inspections. The code enforcement officer, other municipal staff, or their designee is authorized to conduct inspections of all premises within the scope of this division and may request corrective actions. Additional measures may be required where necessary to prevent the migration of sediment offsite.
- (2) Right of Entry. The code enforcement officer, other municipal staff, or their designee in the performance of their duties may enter upon the premises at reasonable hours, upon giving proper identification, for the purpose of inspecting the premises to determine compliance with this division.
- (3) Access. Owner, agents, operators, occupants, or contractor shall provide access to all parts of the premises within their control to the code enforcement officer, other municipal staff, or their designee. Refusal to provide such access shall be a violation of this division.
- (4) The following erosion and sedimentation control inspections by the code enforcement officer, other municipal staff, or their designee are required at a minimum; however, the code enforcement officer, other municipal staff, or their designee may waive inspections b. through d., if a project results in less than one acre of disturbed area. Additionally, erosion and sedimentation control inspections, for projects resulting in less than one acre of disturbed area and requiring only a building permit, may be conducted as part of a required building permit inspection based on the code enforcement officer's discretion.
  - a. Prior to soil disturbance to confirm temporary erosion and sedimentation control measures have been installed.
  - b. During the active earth moving phase of construction (minimum of three inspections) to determine if temporary erosion and sedimentation control measures are functioning properly.
  - c. At project completion to ensure the site reached permanent stabilization and all temporary erosion and sediment controls have been removed.
  - d. For projects lasting longer than one year, an annual inspection until the project reaches substantial completion. Substantial completion is considered the point in time when site work, paving (minimum of binder course), and utilities are complete and stormwater management facilities have been installed and are functioning as intended and the site areas are stabilized.
- (5) It is the responsibility of the developer to notify the code enforcement officer, other municipal staff, or their designee that an inspection is due, under subsection 4.a and 4.c. The lack of an inspection by the code enforcement officer, other municipal staff, or their designee shall not absolve the developer of the responsibility to install and maintain erosion and sedimentation controls as required under this division and State law.
- (6) Contractor inspections are to be conducted by a person with knowledge of erosion and sediment control, including the standards and conditions in the permit or approval.

## Sec. 78-1863 Enforcement

- (1) Notice of Violation. Whenever the code enforcement officer finds that a person has violated this division, the code enforcement officer may order compliance with this division by written notice of violation to that person indicating the nature of the violation(s), a statement of the division provision(s) alleged to have been violated, including a statement of the penalties for violation, and ordering the action necessary to correct it, including, without limitation:
  - a. The abatement of violations and the cessation of practices or operations in violation of this division;
  - b. At the person's expense, compliance with or repair of the erosion and sedimentation control measures required as a condition of approval of the erosion and sedimentation control plan, and/or the restoration of any affected portion(s) of the site;
  - c. The payment of fines, of the municipality's remediation costs and of the municipality's reasonable administrative costs and attorneys' fees and costs;
  - d. If abatement of a violation, compliance with the erosion and sedimentation control plan, repair of erosion and sedimentation control measures, and/or restoration of affected portions of the site is required, the notice shall set forth a deadline within which such abatement, compliance, repair, and/or restoration must be completed.
- (2) Stop Work Order. The code enforcement officer may issue a stop work notice whenever:
  - a. A person has not acted on a notice of violation issued pursuant to this division within the time set forth in the notice, or
  - b. A person subject to the applicability section of this division undertakes construction without first submitting an application for and obtaining approval of an erosion and sedimentation control plan.

The code enforcement officer will attempt to deliver the stop work notice to the applicant, the person performing the construction, or the owner or occupant of the site, as appropriate, by any means reasonable calculated to effectuate delivery. Once the stop work notice has been delivered, no further construction at the site may proceed other than as is necessary to correct the non-compliance. Construction may resume only when the code enforcement officer provides written notice that the person may resume construction.
- (3) Enforcement Measures: The code enforcement officer or their designee is granted authority to enforce this division in accordance with Town of Old Orchard Beach Code of Ordinances, Chapter 78, Article II.

**AGENDA ITEM #7982**

**Discussion with Action:** Approve the purchase and delivery to the Fire Department of two (2), 40' storage containers from IPL Management LLC for \$12,460.00 from account #52002-50813 CIP Facility Improvements, Fire with a balance of \$154,025.24.

Chair: Shawn O'Neill



**Old Orchard Beach Fire Department**  
*Office of the Chief*

**INTEROFFICE MEMORANDUM**

**TO:** Dians Asanza, Town Manager  
**FROM:** John H. Gilboy III, Fire Chief  
**SUBJECT:** Purchase of 2 40' Storage Containers  
**DATE:** August 28, 2023  
**CC:** Jordan Miles, Finance Director  
Tim Fleury, Executive Assistant

I wish to move forward with the purchase of 2 40' storage containers from CIP account per Jordan. They will be purchased from IPL Management LLC for \$5875.00 each for a total of \$11,750.00. The existing trailer will be removed by Rays Towing for \$710.00. Total cost for the purchase of the 40' storage containers including delivery and removal of the existing trailer will be \$12,460.00.

Please add the following for council action:



**Old Orchard Beach Fire Department**  
*Office of the Chief*

**Discussion with Action:** Approve the purchase of 2 40' storage containers from IPL Management LLC. Total purchase price will be \$12,460.00 which includes delivery of the new containers and removal of existing storage container by Rays Towing.

## **AGENDA ITEM #7983**

**Discussion with Action:** Award the proposal from Fire Tech & Safety of New England, Inc. in the amount of \$65,095.00 for the purchase of Structural Firefighting Turnout Gear from account # 52002-50895 CIP Fire Equipment/Gear with a balance of \$65,922.54

Chair: Shawn O'Neill

In accordance with the annual CIP fund request for personal protective equipment (PPE) it was determined that over the course of the past 10 years only minor adjustments have been made in our turnout gear specifications and purchasing with no major review process. Recognizing significant industry advancements over the past several years it was decided to perform a full structural PPE evaluation and request trusted vendors to participate. Major vendors in the PPE market were invited to participate in the process which began over 12 months ago. RFPs were sent to vendors and those who elected to participate in the process gave demonstrations of the quality and performance of their turnout gear and accessories. From those evaluations and previous experience three vendors were chosen for a wear study. Three comparative specifications were created, ordered, worn, tested, and evaluated during the three-month wear test. Multiple staff members were able to evaluate all three brands equally. Ultimately after the review of the evaluations and speaking with members of the committee unanimous recommendations were prepared for request across the board for structural firefighting turnout gear (coat and pants), hoods, helmets, gloves, and boots which together complete the structural firefighting ensemble.



## Old Orchard Beach Fire Department

---

### INTEROFFICE MEMORANDUM

---

**TO:** DIANA ASANZA, TOWN MANAGER; JORDAN MILES, FINANCE DIRECTOR  
**FROM:** JOHN GILBOY III, FIRE CHIEF  
**SUBJECT:** CIP EXPENDITURE FOR STRUCTURAL PPE PHASE 2  
**DATE:** AUGUST 16, 2023  
**CC:** CLIFTON WHITTEN, DEPUTY FIRE CHIEF; ZACHARY APGAR, CAPTAIN

---

Process: In accordance with the annual CIP fund request for personal protective equipment (PPE) it was determined that over the course of the past 10 years only minor adjustments have been made in our turnout gear specifications and purchasing with no major review process. Recognizing significant industry advancements over the past several years it was decided to perform a full structural PPE evaluation and request trusted vendors to participate. Major vendors in the PPE market were invited to participate in the process which began over 12 months ago. RFPs were sent to vendors and those who elected to participate in the process gave demonstrations of the quality and performance of their turnout gear and accessories. From those evaluations and previous experience three vendors were chosen for a wear study. Three comparative specifications were created, ordered, worn, tested, and evaluated during the three-month wear test. It is noted that the length of this process was in part due to manufacturing lead times for these custom specified garments. Participating staff members evaluated multiple components of the garments to include fit, quality of materials, quality of construction and functional comfort. Multiple staff members were able to evaluate all three brands equally. Ultimately after the review of the evaluations and speaking with members of the committee unanimous recommendations were prepared for request across the board for structural firefighting turnout gear (coat and pants), hoods, helmets, gloves, and boots which together complete the structural firefighting ensemble.

Request: This project is an overlap from FY23 into FY24. This is Phase 2 of the purchase request for 18 sets of structural firefighting turnout gear including coat, pant, hood and gloves from Fire Tech & Safety of New England, Inc.

Please add the following for council action:

**Discussion with Action:** Award the proposal from Fire Tech & Safety of New England, Inc in the amount of \$65,095.00 for the purchase of Structural Firefighting Turnout Gear from CIP account 52002-50895 – with a balance of \$65,922.54

FIRE TECH & SAFETY OF NEW ENGLAND, INC.  
 100 Business Park Dr., Unit 6  
 Tyngsborough, MA 01879  
 1-800-256-8700 Fax (978) 649-6833



Name / Address  
 OLD ORCHARD BEACH FIRE DEPT.-ME  
 FIRE DEPT. COMPLEX  
 136 SACO AVE  
 OLD ORCHARD BEACH, ME 04064

## Quote

Date	Quote #
8/2/2023	202292

Valid for 15 Days



Project	Terms	Rep
	Net 30	JC

Qty	Description	Unit Price	Total
18	LION CUSTOM COAT TAIL COAT PER OLD ORCHARD FIRE DEPT. SPECS.	1,950.00	35,100.00
18	LION CUSTOM PANT W/ RATED ESCAPE BELT PER OLD ORCHARD FIRE DEPT. SPECS. COMPOSITE OF THIS GEAR IS PIONNER OUTER SHELL, GLIDE ICE THERMAL LINER AND STEDAIR 4000 MOISTURE BARRIER	1,450.00	26,100.00
5	LION 4" X 18" ONE LINE LETTER PATCH WITH HOOK AND LOOP, for Officer Ranks  To be added to Officers Coats Only, Specified at Sizing.	95.00	475.00
18	DRAGON ALPHA X FIRE GLOVE W/GAUNTLETT CUFF SIZE X-LARGE-- Sizes to be determined when ordering	90.00	1,620.00
18	LION REDZONE HOOD, please specify color	100.00	1,800.00
	SHIPPING & HANDLING TO BE INVOICED ADDITIONALLY AT TIME OF DELIVERY	0.00	0.00

<b>Total</b>	<b>\$65,095.00</b>
--------------	--------------------

Notice: One or more of the products listed above may contain PFAS. For detailed product information please call 800-256-8700.  
 Fire Tech & Safety Terms and Conditions: <https://firetechusa.com/FTSTAC.pdf>  
 Unless otherwise noted on this quote, freight may be added at time of invoicing as Prepay & Add terms



## **AGENDA ITEM #7984**

**Discussion with Action:** Set the date of September 19, 2023 to hold a public hearing to consider whether to approve a Contract Zone Agreement between Land Matters, LLC and the Town of Old Orchard Beach, for the property located at 60 Saco Ave., Map 206, Block 10, Lot 1 in the GB2 district, pursuant to 30A M.R.S.A., Section 4352 (8), Chapter 78, Section 78-31 and Chapter 78, Article IX of the Old Orchard Beach Zoning Ordinance, and Section 410 of the Old Orchard Beach Charter. The purpose of the Contract Zone is to allow the establishment of a 6-unit residential condominium building.

Chair: Shawn O'Neill

The Council will recall this contract zone proposal for the property located at 60 Saco Ave (former post office location). The applicant, Land Matters LLC, is seeking a contract zone because the minimum lot area per dwelling unit ordinance requirement does not allow the density desired by the applicant.

**TO: Old Orchard Beach Town Council  
Diana Asanza, Town Manager  
Tim Fleury, Executive Assistant**  
**FROM: Planning Department**  
**SUBJECT: Contract Zoning Proposal at 60 Saco Ave**  
**DATE: 5 September 2023**

The Council will recall this contract zone proposal for the property located at 60 Saco Ave (former post office location). The applicant, Land Matters LLC, is seeking a contract zone because the minimum lot area per dwelling unit ordinance requirement does not allow the density desired by the applicant.

Beginning late 2021 and through spring 2022, the Planning Board (PB) reviewed a proposed contract zone for an 8-unit residential condominium building. The PB voted to recommend Council approve the contract zone as proposed.

After PB's vote, Council considered the 8-unit contract zone. After several meetings and workshops Council decided to refer the applicant back to the PB for site plan and subdivision review before Council issues a final decision. One reason for referring the applicant back to PB for site plan and subdivision review was both reviews require the applicant to submit detailed plans prepared by architect and engineer. Another reason was concern about potential negative impacts caused by the 8-unit building such as additional traffic and lack of parking. Council highly encouraged the applicant to reduce the unit count by indicating they are more open to supporting a 6-unit building.

During 2023 the applicant returned to the PB with a 15-unit apartment building then a 14-unit age-restricted apartment building. The PB was not receptive to either proposal. Seeing a positive recommendation from the PB was unlikely, the applicant changed the proposal to a 6-unit condominium. The applicant presented the revised 6-unit contract zone which the Board unanimously voted to recommend Council approval.

### **Contract Zoning Review**

Contract zoning proposals require Planning Board and Council review. Like the zoning ordinance amendment process, the PB reviews, holds a public hearing and votes on a recommendation to approve or deny. The Council reviews the proposal, holds a public hearing, and issues a final decision. Ultimately, Council has sole jurisdiction of approval or denial.

The Council acts on contract zoning requests in accordance with the procedures in Section 410 of the OOB Town Charter. Section 410 requires the Council to review a contract zone through the same procedure as an ordinance amendment- schedule a public hearing, hold a public hearing, issue a decision.

The Council has the option to add conditions to the contract zone agreement or alter in a way they feel is necessary to meet the contract zoning ordinance standards. As stated in the contract zoning ordinance: "The decision whether or not to rezone remains committed to the town council exercising its sole and exclusive judgment as the elected legislative body of the Town of Old Orchard Beach."

Ultimately, a contract zoning proposal must meet all three primary factors identified in Sec. 78-2136 to be approved. The applicant must show the contract zone:

1. Is consistent with the comprehensive plan;
2. Is consistent with, but not limited to, the existing uses and allowed uses within the original zone; and
3. Is subject to conditions sufficient to achieve the purposes described in Sec. 78-2131 of the Contract Zoning Ordinance

## **60 Saco Ave Contract Zone Review**

During 2022, Council held several meetings, workshops, and a public hearing. The last time Council met to consider this proposal it was an 8-unit condominium project. Council unanimously voted to remove the item without prejudice to allow the applicant to go back to the Planning Board for full site plan and subdivision approval. Also, Council encouraged the applicant to reduce the unit number to 6. After the above was complete, the applicant could return to Council for final contract zone review.

After Council's decision the applicant returned to the PB with several amended contract zone agreements. Two amended agreements were proposed: a 15-unit apartment project and a 14-unit age restricted apartment project. Although not formally rejected, the PB made it clear there was a minimal chance for a positive recommendation to Council. The applicant then changed the contract zone agreement to a 6-unit condominium project. At the August 2023 PB meeting, the Board unanimously voted to recommend Council approve the 6-unit condominium contract zone agreement by finding it:

1. Is consistent with the comprehensive plan;
2. Is consistent with, but not limited to, the existing uses and allowed uses within the original zone; and
3. Is subject to conditions sufficient to achieve the purposes described in Sec. 78-2131 of the Contract Zoning Ordinance

Because the applicant reduced the number of units to the requested 6 and provided more detailed plans, the PB was comfortable voting on a recommendation to Council before the applicant secured full site plan and subdivision approvals. Note the PB identified several matters (e.g., snow storage, condo docs, etc) that need further review but determined that consideration can take place during future Board meetings.

With the PB review of the contract zone agreement complete, the contract zone is back to Council as a 6-unit condominium project with a PB recommendation to approve; although, the applicant has not secured site plan and subdivision approval.

## **Next Steps**

As I understand Council wants to hold a public hearing before issuing a final decision, so the next immediate step is to schedule the public hearing to be held on 19 Sept.

Another matter is if the Council still feels the project must secure site plan and subdivision approvals before a final vote on the contract zone. If Council feels site plan and subdivision approvals must be secured before final vote members can inform the applicant of this at the 5 Sept meeting, but I recommend the Council do not formally vote on 5 Sept because the agenda only authorizes Council to act on scheduling a public hearing.

**AGENDA ITEM #7985**

**Discussion with Action:** Appoint Edwin Bones as an associate member of the Zoning Board of Appeals, term to expire 12/31/24.

Chair: Shawn O'Neill

## **AGENDA ITEM #7986**

**Discussion with Action:** Approve the Special Event Permit application for 5k Sports Race Management to hold a road race on Sunday, October 8<sup>th</sup>, 2023, from 9 a.m. to 1 p.m. Two (2) Old Orchard Beach police officers are required, and must be booked at least two weeks prior to the event; any cancellation of the event must be at least one week prior to the event.

Chair: Shawn O'Neill

## APPLICATION INFORMATION

PLEASE SUBMIT A **COMPLETE APPLICATION** A MINIMUM OF **30 CALENDAR DAYS** PRIOR TO THE EVENT.

1. Name of applicant Tony Myatt

Address of applicant 22 Romasco Ln Portland ME 04101  
City State Zip

Phone number of applicant (207) 272 7731 Fax ( )

Cell phone ( ) SATX E-mail Tonedog86@aol.com

On whose behalf is this event being conducted? (Organization, Firm, Corporation, if applicable)  
A Running Passion & Animal Refuge League

Website address (if an Organization, Firm or Corporation)

Type of Event:

- Festival/Fair
- Race/Walk/Bike Ride
- Concert
- Parade/March
- Other - Please specify

2. Event Description (name all vendors who will provide entertainment and the type of entertainment provided)

10K on Old Orchard Beach from Pier to Pine Point  
back on E Grand Ave finishing @ caldesack in front of  
Pier.

Will you be using tents? YES  NO

If yes, list size of tent and supplier, as well as what portion of the event will be taking place under the tent (i.e. cooking, sales, picnic tables, chairs, etc), and how the tent will be secured.

Will you be using staging? \_\_\_\_\_ YES  NO

If yes, the following items will be used at the event (Please mark all that apply):

Amplified Music    Bleacher(s)    Dance Floor(s)    Live Entertainment  
 Loud Speaker(s)    Microphone(s)    Stadium(s)    Stage(s)

#/Other: (Bullhorn) Megaphone for pre-event announcements

Note: If any of the above items will be used, please indicate their location on your attached Site Plan/Map. Use of the above items may require the Event Organizer to meet ADA regulations.

3. Chairperson and/or responsible party for the event, if other than above:  
(Include information how this person may be contacted at any time during the event).

Name Tony Myatt Work Phone 201 272-7731

Address see page 2 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Cell phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail \_\_\_\_\_

4. **Sunday October 8th 9AM-1PM**

Date of Event " Day of Week " from " to "

Date of Event \_\_\_\_\_ Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

Date of Event \_\_\_\_\_ Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

Date of Event \_\_\_\_\_ Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

TAKE-DOWN date n/a Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

RAIN DATE(s) \_\_\_\_\_ Times \_\_\_\_\_

(if rain date listed, insurance must list rain date)

5. Location of the Event Old Orchard Pier area of Beach  
(if applicable, a map or diagram showing the area to be used, or parade route)

6. The estimated number of participants in the event

0-150; \_\_\_\_\_ 150-500; \_\_\_\_\_ 500-1000; \_\_\_\_\_ 1,000+

7. If a parade or public gathering, will it occupy any or all of the roadway involved or to be traversed? (if yes, explain). Use extra sheet of paper to describe exact route of parade, including any water stops.

Runners/Walkers will return from Pine Pt to Pier via E Grand Ave against traffic @ all times some on sidewalk

8. Will the sale of food and/or beverages occur at the event? \_\_\_\_\_ If yes, describe the commodities to be sold.

- Alcoholic Beverages (only at Ballpark, using Ballpark Licensee)
- Pot Luck Items
- Professional Catering
- Non-Profit Food Vendors
- Retail Food Vendors

Bottled Water @ Finish, possible water stop @ Pine Point Beach

9. Will there be merchandise sold at the event? \_\_\_\_\_ YES  NO

Description of merchandise \_\_\_\_\_

10. Is the event a Charitable event?  YES \_\_\_\_\_ NO

Is this event co-sponsored by the Town of Old Orchard Beach? \_\_\_\_\_ YES  NO ~~RSU~~

If this event a Regional School Unit #23 event? \_\_\_\_\_ Yes  NO

(The request for a waiver can only be requested if the event is a RSU #23 event or sponsored or co-sponsored by the Town of Old Orchard Beach).

11. If the event is charitable, name the beneficiary of the proceeds from the event:

\_\_\_\_\_

12. List any Event Sponsors:

Jimmy the Greeks \_\_\_\_\_

Will admission be charged for the event? \_\_\_\_\_ YES  NO

Will participants be charged for parking? \_\_\_\_\_ YES  NO



13. Has this event been held previously in Old Orchard Beach?

\_\_\_\_ YES (if yes, please list dates): \_\_\_\_\_

NO

14. What is the applicant doing to ensure the event will not endanger the public safety or disturb the peace? Describe your plans for security at your event, including crowd control (attach additional sheets if necessary). Security plan will need final approval by the Old Orchard Beach Police Department and they have final say in appropriate number and type of security personnel required. Must include at least one Old Orchard Beach Police Officer, if security is required. Costs associated with security are the sole responsibility of the event organizer.

Please describe your security plan (including your plans for controlling ingress/egress of all persons, vehicles, equipment, and Emergency Medical Services):

\_\_\_\_ Volunteers @ turns & major intersections

Additional Uniformed presence provided by: \_\_\_\_ Off-Duty Police Officers; \_\_\_\_ Private Security;  
 Volunteers

Times: 10AM - 1PM How many? 5-10

If you have already made contact with someone about security, provide the contact name and number:

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Please list any items that will be left overnight. If equipment will be left on-site overnight, provide details for personal property safety and security of site: (Note that the event organizer is solely responsible for items left on the property. The Town assumes no responsibility for items of personal property at the location at any time)

\_\_\_\_ n/a

Will audible devices be used at this event?  YES  NO

If yes, what type of devices will be used? What time will they be used? (Decibel level limits are in Chapter 26 of the Code of Ordinances).

\_\_\_\_\_

Where will the event attendees/participants park? legal parking spots on streets

Will a shuttle service be provided from parking areas to the event site?  YES  NO

If yes, please describe shuttle plan, and name of company provided service:

\_\_\_\_\_

Will you require special parking (RV's, trailers, trucks)?  YES  NO

If yes, give details: just my car @ the finish line on caldesa

\_\_\_\_\_

15. Describe your plans for waste disposal at your event. What arrangements have you made for removal and disposal of trash generated by your event? Please supply details of numbers and type of containers and supplier of containers that will be used. (Attach additional sheets if necessary) Costs associated with waste disposal are the sole responsibility of the event organizer. Disposal in Town trash receptacles is NOT an accepted means of disposal, and is prohibited.

all waste is recycled by me

is the use of barricades necessary/requested for this event? NO

If yes, number needed and location \_\_\_\_\_

Will it be necessary to cover street and/or parking signs for this event, or place no parking signs?

YES  NO If yes, please describe:

\_\_\_\_\_

Is any other public works assistance needed? NO

If using First Street or Memorial Park Parking Lot, has the applicant reserved two spaces for Amtrak Parking? n/a

16. Will there be any use of fire (i.e. tiki torches, grills, barbecues, bonfires, etc?) For bonfires, the pit/bonfire must be pre-approved for use by the Fire Department; the wood to be burned has no paint or nails; the portable pit or bonfire can be removed or filled in after the event leaving no residue or noticeable impact; a small water extinguisher and shovel are present; at least one adult be assigned to "keep fire watch" at all times. Note a burn permit must also be obtained from the Fire Department for the date specified on the date of the event. The Fire Department will issue a permit based on class day as listed by the Maine Forest Service. Permission may be refused or revoked if the Maine State Forestry Commission (governing body) declares a "Red Flag" day on which NO open fires may be allowed in our zone. A \$100 cash deposit is required for all fires to be returned to the applicant if the area is cleaned to the satisfaction of the public works department and/or fire department.

YES  NO

If yes, explain: \_\_\_\_\_

17. Describe your plans for all signage and/or decorations for the event. Please include type of signage to be used, and description of verbiage being posted on signage.

none other than cones w/ numbers indicating mile marking for runners

Will this event be posting a banner on public property?  YES  NO

If yes, please list requested dates, dimensions of banner, wording on banner, and location (no more than two weeks prior to the event):

18. Alcohol is not allowed on public property, except as outlined in the liquor license for the Ballpark. If this is a Ballpark event, will there be alcohol available for consumption? Note, if alcohol is being served, the Town requires additional Liquor Liability Insurance (minimum \$2,000,000, listing Town of Old Orchard Beach as additionally insured):  YES  NO

Will the alcohol be: \_\_\_\_\_ Sold; \_\_\_\_\_ Given away; \_\_\_\_\_ Both

Describe the type of alcohol to be served, times consumption will be allowed, and plans for controlling consumption:

n/a

19. If this is a Ballpark Event, have you signed an agreement with the Ballpark Commission for use of the Ballpark? \_\_\_\_\_ Yes, it's attached \_\_\_\_\_  No

20. Will the event involve professional fireworks? \_\_\_\_\_ YES \_\_\_\_\_  NO  
Consumer fireworks are prohibited. If professional fireworks are requested, what is the name of the Pyrotechnics Company? \_\_\_\_\_  
(If fireworks are requested, the Fire Chief or his designee must approve of the site prior to the application being submitted to the Town Council for consideration. The Pyrotechnics Company must submit the approval the Maine State Fire Marshal's Office at least one week prior to the event, and the event sponsor's insurance must list that fireworks are occurring).

What time/date will the fireworks display occur? \_\_\_\_\_

21. Will there be any kind of animals at this event? (e.g. petting zoo, pony rides, etc.) \_\_\_\_\_ YES \_\_\_\_\_  NO

If so, please indicate the location of the animals on the Site Plan/Map.

22. Piping Plovers are state and federally protected birds that nest on beaches. There are mandatory beach management guidelines from April 1<sup>st</sup> through August 31<sup>st</sup> of each year. Will this event occur on the beach? \_\_\_\_\_  YES \_\_\_\_\_ NO

If yes, you must contact the Public Works Department at 207-934-2250, approximately one week prior to the event. In the event there are any active piping plover nests in the vicinity of your event, you may have to move your event farther down the beach, or request permission to change the date of your event.

**Piping Plover Essential Habitat:** The Maine Department of Inland Fisheries and Wildlife (MDIFW) has designated two areas on Old Orchard Beach as "Essential Habitat" for nesting piping plovers. By statute, a state agency or municipal government shall not permit, license, fund, or carry out projects that will significantly alter an Essential Habitat or violate protection guidelines adopted by MDIFW. This rule is not a prohibition of all projects within areas designated as Essential Habitat. *However, projects must be reviewed by MDIFW before Town approval.*

If the event is located partly or wholly within a mapped Essential Habitat the applicant will need to coordinate with municipal staff to submit a "Request for Project Evaluation" to MDIFW. MDIFW will evaluate the final project proposal per review standards established for Essential Habitats and determine if the project would significantly alter the habitat or violate protection guidelines.

*The applicant is encouraged to obtain MDIFW guidance during project planning and design. Early involvement of MDIFW will help to minimize or avoid potential conflicts, facilitate cooperation between all parties, and enable quick turnarounds on project evaluations.*

23. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town of Old Orchard Beach Town Clerk's Office 30 days prior to the event date. The applicant shall at its own cost and expense furnish a policy or policies for property damage or bodily injury in the amount of at least \$500,000. The Town of Old Orchard Beach **MUST** be listed as an Additional Named Insured.

\_\_\_\_\_ Yes, it has been provided with the application;  No, it will be provided at least 30 days prior to the event.

24. Is the applicant requesting the use of the RSU #23 school property (schools, parking lots, playing fields)? \_\_\_\_\_ YES  NO. If yes, has the applicant received approval from RSU #23 or the date the applicant will receive approval?

\_\_\_\_\_  
\_\_\_\_\_

## SPECIAL EVENT PERMIT AGREEMENT

I, Tony Myatt on behalf of Animal Refuge League & A Running Person  
(Print Applicant Contact Name) (Print Organization/Group Name)

Agree to abide by the following Special Event requirements:

1. All pre-event determined fees shall be paid at least two weeks prior to the event. I agree to pay any costs determined after the event immediately upon receipt of invoice.
2. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town Clerk's Office at least 30 days prior to the event date. The Town of Old Orchard Beach MUST be listed as an Additional Name Insured with the proper endorsement included. GAM (initial)
3. To develop a comprehensive security plan in conjunction with the Old Orchard Beach Police Department.
4. Town property shall not be removed from the premises including but not limited to benches, trashcans, tables, chairs, fencing, signs, etc.
5. Premises will be left in as good a condition as received except for reasonable wear and tear. All trash will be disposed of properly within 12 hours of the end of the event. I accept responsibility for any damages that might occur during the period of use.
6. To comply with all laws, rules, and regulations of the federal, state, and Town governments governing operations and conduct on Town property.
7. This permit agreement may be terminated by the Town of Old Orchard Beach at any time upon finding a violation of any rule, ordinance, and/or condition of the permit or upon good cause shown.
8. For myself and any other persons, organizations, firms and corporations sponsoring the event, which is the subject of this permit application, jointly and severally, hereby contract and agree to pay all costs of services provided by the Town of Old Orchard Beach, in support of said event.
9. For myself and any other persons, organizations, firms, and corporations sponsoring the event which is the subject of this permit application, jointly and severally, hereby contract and agree to indemnify, defend and hold harmless the Town of Old Orchard beach, its officers and employees, against all claims, loss or liability from any claim or suit arising or alleged to have arisen from any act or omission of said applicant, its agents, invitees or other sponsor in connection with said event.

10. The facility/area is provided in an "as is" condition. The event organization assumes all responsibility for the security and safety of all participants and spectators of the event.
11. I understand that the Town of Old Orchard Beach has no responsibility for equipment and/or items of personal property at the location at any time.
12. Any misrepresentation or deviation from the final permit conditions will result in immediate revocation of the permit and halting of the event.
13. Events are considered rain/shine. Refunds are not issued if the event does not occur.
14. The permit does not authorize alcohol on any public property, including, but not limited to the beach, Memorial Park, streets and sidewalks.
15. Consumer Fireworks are illegal in Old Orchard Beach.

I have read and understand the Special Events Permit Agreement terms and conditions and I agree to be bound by said terms and conditions. I certify that the information I provided is accurate to the best of my knowledge.

Signature: G. Anthony Myatt Date: 8-14-2023  
(authorized representative)

Print name: G. Anthony (Tony) Myatt

Print Organization Name (if applicable): A Running Passion & Animal Refuge League

Description is Not Applicable



## Kim McLaughlin

---

**From:** Tony <tonedog86@aol.com>  
**Sent:** Monday, August 14, 2023 10:35 AM  
**To:** Kim McLaughlin  
**Subject:** permit app  
**Attachments:** permit app.docx

\*\*\*EXTERNAL\*\*\*

This e-mail originated from outside of the Town of Old Orchard Beach E-mail System. **Do Not** click links or open attachments unless you recognize the sender address and know the content is safe. If in doubt, please use an alternate method to the individual who claims to be sending the email.

Hi Kim,  
Thanks so much. Permit app is attached and I will reach out to hire an officer with Elise. I will also purchase insurance and have sent to you today or tomorrow. Thanks so much.  
Tony

## **AGENDA ITEM #7987**

**Discussion with Action:** Set the public hearing date of September 19th, 2023, to amend the Code of Ordinances, Section 54, Traffic and Vehicles, Section 187, Restrictions and Prohibitions, York Street, changing the designation of the first two parking spaces on the left side facing the ocean, from East Grand Avenue, as handicap parking, to designating the second and third parking spaces on the left side facing the ocean, from East Grand, as handicap parking spaces.

Chair: Shawn O'Neill

This amendment will move the 2 current handicap parking spaces on York street back 1 spot for easier access.

---

NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on September 19<sup>th</sup>, 2023, at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 54-187, Restrictions and Prohibitions, York Street, by adding the underscored language and deleting the strikethrough language as follows:

*York Street.* No vehicle shall be parked on the southwesterly side of York Street (right side facing the ocean). The ~~first two~~ second and third parking spaces on the left side facing the ocean, from East Grand Avenue, shall be designated handicap parking.

Per Order of the Municipal Officers this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

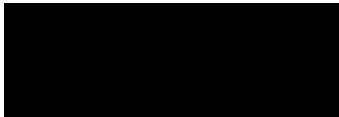
A True Copy  
Attest:

\_\_\_\_\_  
Kim M. McLaughlin, Town Clerk



# York Street

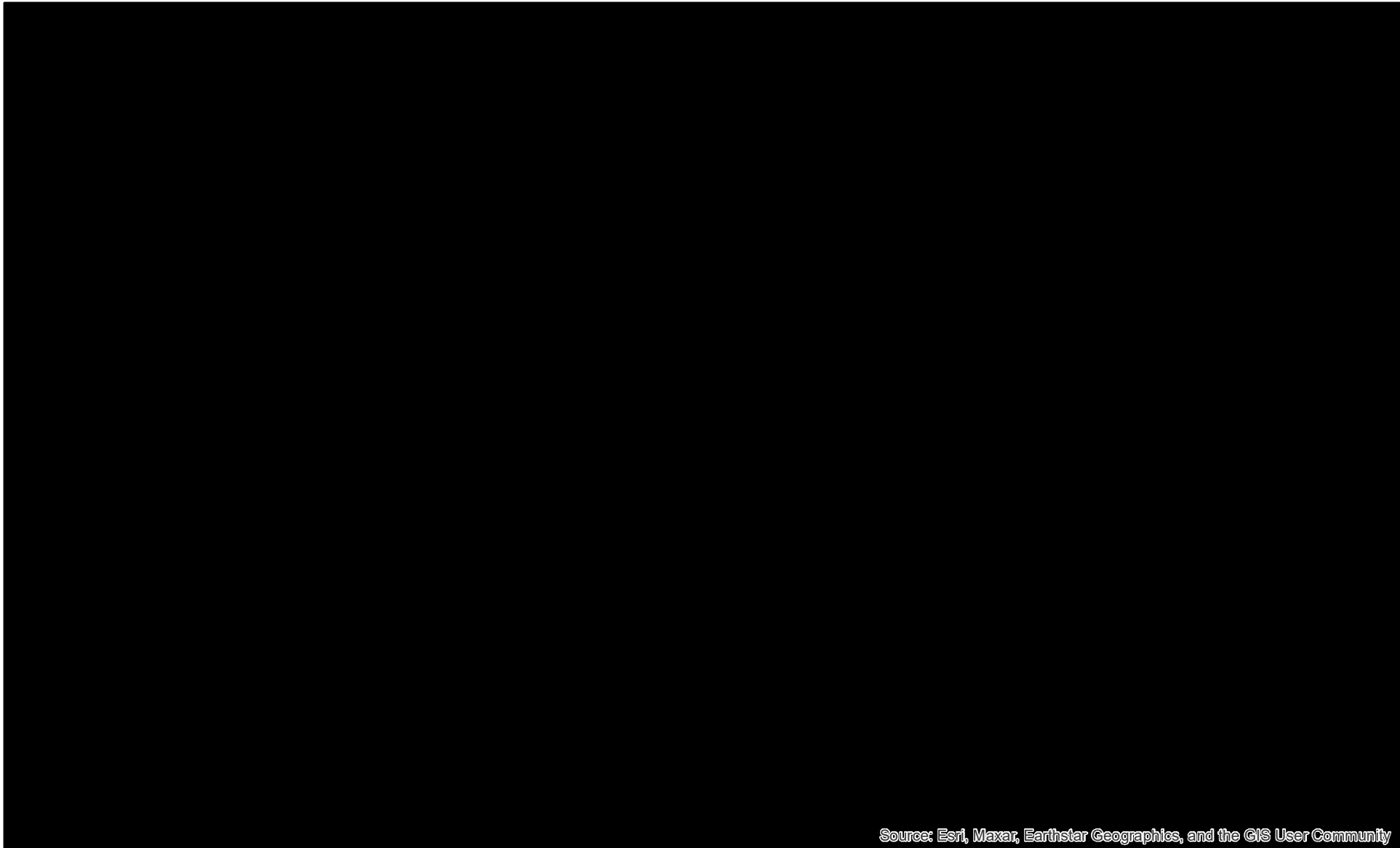
Current Handicap Spaces



August 25, 2023

1 inch = 22 Feet

[www.cai-tech.com](http://www.cai-tech.com)



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

# York Street

Proposed Handicap Spaces



August 25, 2023

1 inch = 22 Feet



[www.cai-tech.com](http://www.cai-tech.com)



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

## **AGENDA ITEM #7988**

**Discussion with Action:** Approve the FY 23 Line Item Transfer of \$209,445.20 from the following accounts with credit balances:

- \$4,342.40 from account 20119-50115 Separation Pay with a balance of 4,342.40
- \$14,640.29 from account 20119-50124 In Lieu of Health Insurance with a balance of \$14,640.29
- \$32,059.69 from account 20119-50203 ICMA 457 Employer Share with a balance of \$32,059.69
- \$50,000 from account 20119-50209 Health Savings account with a balance of \$50,000
- \$96,364.55 from account 20119-50210 Health Insurance with a balance of \$96,364.55
- \$6,730.39 from account 20119-50211 Dental Insurance with a balance of \$6,730.39
- \$1,788.95 from account 20119-50212 IPP Insurance with a balance of \$1,788.95
- \$1,763.48 from account 20119-50213 Life Insurance with a balance of \$1,763.48
- \$896.44 from account 20119-50373 Unemployment Compensation with a balance of \$896.44
- \$859.01 from account 20118-50350 Contingency Expense with a balance of \$90,635

Total to be Transferred: \$209,445.20

-continued on next page-

To the Following Accounts with Deficit Balances:

- \$8,121.02 to account 20119-50201 FICA and Medicare Expense with a balance of (\$8,121.02)
- \$58,545.90 to account 20119-50202 Maine State Retirement with a balance of (\$58,545.90)
- \$129,103.98 to account 20119-50214 Workers Comp with a balance of (\$129,103.98)
- \$13,674.30 to account 20119-50371 General/Vehicle/Flood Insurance with a balance of (\$13,674.30)

Total Deficit: \$209,445.20

Chair: Shawn O'Neill

**AGENDA ITEM # 7989**

**Discussion with Action:** Approve the FY 23 Line Item Transfer of \$2,388.93 from account 20118-50350 Contingency expense with a balance of \$89,775.99 to account 20115-50310 Town Hall Service Contracts with a balance of (\$2,388.93).

Chair: Shawn O'Neill



## AGENDA ITEM # 7990

**Discussion with action:** Approve the FY 23 Line Item Transfer of \$103,557.19 from account 20139-50106 Code Enforcement Full time Employee Expense with a balance of \$109,125.67 to the following accounts with deficit balances:

\$75,590.88 to account 20139-50101 Code Enforcement Department Head Salary with a balance of (\$75,590.88)

\$27,966.31 to account 20139-50107 Code Enforcement Part time Employee with a balance of (\$27,966.31)

Total Deficit: \$103,557.19

Chair: Shawn O'Neill

## **AGENDA ITEM # 7991**

**Discussion with Action:** Accept the proposal from Androscoggin Bank for the lease purchase of three (3) 2021 Hyundai Kona's and one (1) 2020 Hyundai Ioniq for the price of \$89,872. The total purchase price of \$89,872 will be financed through a lease purchase agreement with Androscoggin Bank at 4.99% (Tax Exempt) with 5 annual payments of \$19,766.10 from account 20197-50330 Debt Service Equipment Replacement with a balance of \$470,239.28. The town previously leased these vehicles for free and will now be buying them out at the end of the lease term. This purchase was approved as part of the FY 2024 Debt service Budget.

Chair: Shawn O'Neill

August 30, 2023

Town of Old Orchard Beach  
Jordan Miles, Finance Director  
1 Portland Avenue  
Old Orchard Beach, Maine 04064

**MUNICIPAL LEASE PURCHASE PROPOSAL**

- Lessee:** Town of Old Orchard Beach
- Equipment:** Several Electric Vehicles as more particularly described in invoices, proposals or insurance certificates provided by the Lessee.
- Cost of Equipment:** \$89,872
- Lease Term:** 5 years
- Interest Rate:** 4.99% (Tax Exempt)
- Number of Payments:** 5 annual installments of principal and interest.
- Payment Amount:** \$19,766.10\* (\*Final payment may vary slightly)
- First Payment Due:** The first payment of principal and interest (if any) shall be payable at lease closing (proposed for September 8, 2023).
- Purchase Option:** One Dollar (\$1.00) at end of lease term.
- Prepayment:** There are no prepayment penalties.
- Insurance:** Prior to delivery of the leased assets, Lessee at its sole cost and expense, will provide all-inclusive physical damage and liability insurance in the joint names of the Lessee and Lessor, in amounts satisfactory to Lessor, and forward proof of said coverage to Lessor.
- Title:** Lessee shall be listed as owner and Lessor listed as lien holder on BMV title forms, and UCC filing documents I required. (Lessor will also hold a security interest in any lease escrow account established by the Lessee for this transaction).
- Non-appropriation:** The lease will contain a non-appropriation clause.

PO Box 1407, Lewiston, ME 04243

1.800.966.9172  
androscogginbank.com



**Confirmation:** Lessee to confirm that anticipated total borrowings for 2023 year will not exceed Ten Million dollars (\$10,000,000.00), making the lease "Bank Qualified".

**Type of Lease:** The lease shall be considered a Municipal Lease/Purchase by all parties. Lessee is a State or a political subdivision thereof, within the meaning of Section 103 of the Internal Revenue Code of 1986.

**Advances / Deposits:** If Lessor advances any deposits or pays any invoices prior to Delivery and Acceptance of the equipment by Lessee, interest will accrue at the above rate on said payments and be due at closing.

**Legal Opinion:** Leases greater than One Hundred Thousand dollars (\$100,000.00) require Lessee to provide an Opinion of Counsel. Said opinion must contain a statement that the lease represents a valid and binding obligation of the lessee and further that the lease is a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) (B) (ii) of the Internal Revenue Code of 1986, as amended.

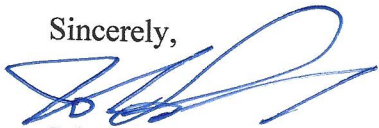
**Financial Data:** Lessee will provide Androscoggin Bank with its most recent audited financial statement, current year's budget, annual report, a copy of meeting minutes or Board order approving the transaction, and any other supporting data requested during the term of the lease.

**Lease Rates:** This Lease request will be closed within 30 days of the original proposal date, or the stated rate will be subject to change based on public sector rates then existing in the market.

**Expiration:** This lease proposal shall expire if not accepted by a duly qualified Lessee official by 5:00 PM on August 28, 2023.

Thank you for the opportunity to present this lease proposal for consideration. If you are in agreement with the terms of the proposal, please sign and return it. Should you have any questions regarding this proposal, please contact me at 207-330-0531.

Sincerely,



John Simko, Vice President  
Government Finance

**AWARD / ACKNOWLEDGEMENT (please sign and return via email):**  
This proposal is accepted and this financing is awarded to Androscoggin Bank.

\_\_\_\_\_  
Name & Title

Date: \_\_\_\_\_

**Lease Amortization Schedule - Town of Old Orchard Beach  
5 Year Lease**

Annual Rate 4.99%

	Start Date	Amount	Number	Period	End Date
Lease	8/28/2023	\$89,872.00	1		
Payment	8/28/2023	\$19,766.10	5	Annual	8/28/2027

<u>Date</u>	<u>Payment</u>	<u>Interest</u>	<u>Principal</u>	<u>Balance</u>
8/28/2023	\$19,766.10		\$ 19,766.10	\$ 70,105.90
8/28/2024	\$ 19,766.10	\$ 3,498.28	\$ 16,267.82	\$ 53,838.08
8/28/2025	\$ 19,766.10	\$ 2,686.52	\$ 17,079.58	\$ 36,758.50
8/28/2026	\$ 19,766.10	\$ 1,834.25	\$ 17,931.85	\$ 18,826.65
8/28/2027	\$ 19,766.10	\$ 939.45	\$ 18,826.65	\$ -
<u>Totals</u>	<u>\$98,830.50</u>	<u>\$ 8,958.50</u>	<u>\$ 89,872.00</u>	

# Rowe Westbrook

Stock #:

VIN

Deal#: 0000000

August 30, 2023

## Vehicle Not Found

TOWN OF OLD ORCHARD BEACH

Phone:

Salesperson: TIMOTHY CARON

Email: jhayes@oobimaine.com

### Sale Information

Selling Price	\$22,694.00
Accessories	\$0.00
Rebates	\$0.00
Service Contract	\$0.00
Gap	\$0.00
Net Trade	\$0.00
Fees	\$533.00

### Trade Information

Trade Allowance	\$0.00
Trade Payoff	\$0.00
Net Trade	\$0.00

### Cash Option

Sales Tax

\$0.00

Balance Due Of

\$23,227.00

### Finance Option

Initial Investment \_\_\_\_\_

*Kona Vin# 111466*

### Lease Option

Initial Investment \_\_\_\_\_

Please submit this worksheet to management for review. I understand 1) This worksheet is neither an offer nor a contract and is not binding on the customer or the dealership. 2) No offer to purchase any vehicle is binding until accepted in writing by an authorized sales manager and 3) Sales consultants cannot obligate or bind the customer or the dealership.

I hereby authorize the dealership to conduct an investigation of my credit and employment history and release such information to banks, lenders and credit agencies.

Customer signature: \_\_\_\_\_

Dealership Approval: \_\_\_\_\_

# Rowe Westbrook

Stock #:

VIN

Deal#: 0000000

August 30, 2023

## Vehicle Not Found

TOWN OF OLD ORCHARD BEACH

Phone:

Salesperson: TIMOTHY CARON

Email: [jhayes@oobimaine.com](mailto:jhayes@oobimaine.com)

### Sale Information

Selling Price \$22,711.00

Accessories \$0.00

Rebates \$0.00

Service Contract \$0.00

Gap \$0.00

Net Trade \$0.00

Fees \$533.00

### Trade Information

Trade Allowance \$0.00

Trade Payoff \$0.00

Net Trade \$0.00

### Cash Option

Sales Tax

\$0.00

Balance Due Of

\$23,244.00

### Finance Option

Initial Investment

Kona  
Vin# ending in 111487

### Lease Option

Initial Investment

Please submit this worksheet to management for review. I understand 1) This worksheet is neither an offer nor a contract and is not binding on the customer or the dealership. 2) No offer to purchase any vehicle is binding until accepted in writing by an authorized sales manager and 3) Sales consultants cannot obligate or bind the customer or the dealership.

I hereby authorize the dealership to conduct an investigation of my credit and employment history and release such information to banks, lenders and credit agencies.

Customer signature: \_\_\_\_\_

Dealership Approval: \_\_\_\_\_

# Rowe Westbrook

Stock #:

VIN

Deal#: 0000000

August 30, 2023

## Vehicle Not Found

TOWN OF OLD ORCHARD BEACH

Phone:

Salesperson: TIMOTHY CARON

Email: jhayes@oobimaine.com

### Sale Information

Selling Price	\$22,080.00
Accessories	\$0.00
Rebates	\$0.00
Service Contract	\$0.00
Gap	\$0.00
Net Trade	\$0.00
Fees	\$533.00

### Trade Information

Trade Allowance	\$0.00
Trade Payoff	\$0.00
Net Trade	\$0.00

### Cash Option

Sales Tax

\$0.00

Balance Due Of

\$22,613.00

### Finance Option

Initial Investment \_\_\_\_\_

*Kona Vin# ending in 09755*

### Lease Option

Initial Investment \_\_\_\_\_

Please submit this worksheet to management for review. I understand 1) This worksheet is neither an offer nor a contract and is not binding on the customer or the dealership. 2) No offer to purchase any vehicle is binding until accepted in writing by an authorized sales manager and 3) Sales consultants cannot obligate or bind the customer or the dealership.

I hereby authorize the dealership to conduct an investigation of my credit and employment history and release such information to banks, lenders and credit agencies.

Customer signature: \_\_\_\_\_

Dealership Approval: \_\_\_\_\_



# Rowe Westbrook

Stock #: VIN Deal#: 0000000 August 30, 2023

## Vehicle Not Found

TOWN OF OLD ORCHARD BEACH

Phone:  
Email: jhayes@oobimaine.com

Salesperson: TIMOTHY CARON

### Sale Information

Selling Price	\$20,255.00
Accessories	\$0.00
Rebates	\$0.00
Service Contract	\$0.00
Gap	\$0.00
Net Trade	\$0.00
Fees	\$533.00

### Trade Information

Trade Allowance	\$0.00
Trade Payoff	\$0.00
Net Trade	\$0.00

### Cash Option

Sales Tax \$0.00

Balance Due Of \$20,788.00

### Finance Option

Initial Investment \_\_\_\_\_

*Ionic*

### Lease Option

Initial Investment \_\_\_\_\_

Please submit this worksheet to management for review. I understand 1) This worksheet is neither an offer nor a contract and is not binding on the customer or the dealership. 2) No offer to purchase any vehicle is binding until accepted in writing by an authorized sales manager and 3) Sales consultants cannot obligate or bind the customer or the dealership.

I hereby authorize the dealership to conduct an investigation of my credit and employment history and release such information to banks, lenders and credit agencies.

Customer signature: \_\_\_\_\_

Dealership Approval: \_\_\_\_\_

## **AGENDA ITEM # 7992**

**Discussion with Action:** Amend OOB365's approved Special Event Permit, approved on 08/16/2022, for an event that includes Fireworks on the beach in front of the Brunswick, by moving the date of the event from September 11<sup>th</sup>, 2023 to October 8<sup>th</sup>, 2023, and moving the location from in front of the Brunswick to in front of Palace Playland.

Chair: Shawn O'Neill

## **ADJOURNMENT**

Chair: Shawn O'Neill



## Town of Old Orchard Beach Special Event Permit application

---

### Application for Special Event Permit

#### Please read the following:

- All applications must be thoroughly completed. Failure to fully complete an application may result in a delay in the processing.
- This application is to be completed by the individual or authorized representative of the organization regulating the event and requesting the permit. Submission of an application does not guarantee the event will be approved. Do not publicize or promote your event until your notification of acceptance has been issued.
- All applications must be received by the Town Clerk's Office not less than thirty (30) calendar days prior to the date on which the person proposes to conduct such special event. If not received by that date, the application may be subject to non-approval for that reason.
- Special Event Permit applications require a \$50 (per day, including dates of set up/take down) **non-refundable fee** to be paid at the time application is received.
- A Special Event Permit Application will be deemed "received" on the date the Town Clerk's Office receives:
  - A completed application
  - Appropriate Insurance, listing the Town of Old Orchard Beach as additionally insured (if event is within 30 days)
  - Application fee
- Once you have completed the application, please return to the Town Clerk's Office:

Town Clerk's Office  
1 Portland Avenue  
Old Orchard Beach, ME 04064

If you have any questions, please contact the Town Clerk's Office at 207-934-4042 or e-mail the Town Clerk, Kim McLaughlin, at [kmclaughlin@oobmaine.com](mailto:kmclaughlin@oobmaine.com)

# APPLICATION INFORMATION

PLEASE SUBMIT A **COMPLETE** APPLICATION A MINIMUM OF **30 CALENDAR DAYS** PRIOR TO THE EVENT.

1. Name of applicant 00B365

Address of applicant 101<sup>Box</sup> 1124 00B ME 04069  
City State Zip

Phone number of applicant (207) 590 - 4201 Fax ( )

Cell phone ( ) E-mail SMACDonald@maineinc.com

On whose behalf is this event being conducted? (Organization, Firm, Corporation, if applicable)

00B365 + GMP Charities

Website address (if an Organization, Firm or Corporation) \_\_\_\_\_

Type of Event:

- Festival/Fair
- Race/Walk/Bike Ride
- Concert
- Parade/March
- Other - Please specify

3<sup>rd</sup> Annual Tailgate for Causes / 501(C)(3) Charity Event

2. Event Description (name all vendors who will provide entertainment and the type of entertainment provided)

This is the 3<sup>rd</sup> Annual Tailgate for Causes to be held @ The Brunswick. It features 20+ chefs who will cook their best Tailgate foods, approximately 100 live/Silent Auction items, Live Music with attendance being capped off @ \$50 patrons all to benefit 4 worthy  
causes (see attached)

Will you be using tents? \_\_\_\_\_ YES  NO

If yes, list size of tent and supplier, as well as what portion of the event will be taking place under the tent (i.e. cooking, sales, picnic tables, chairs, etc), and how the tent will be secured.

\_\_\_\_\_  
\_\_\_\_\_

Will you be using staging? \_\_\_\_\_ YES  NO

If yes, the following items will be used at the event (Please mark all that apply):

- Amplified Music     Bleacher(s)     Dance Floor(s)     Live Entertainment
- Loud Speaker(s)     Microphone(s)     Stadium(s)     Stage(s)

Other: Just set up for fireworks display

Note: If any of the above items will be used, please indicate their location on your attached Site Plan/Map. Use of the above items may require the Event Organizer to meet ADA regulations.

3. Chairperson and/or responsible party for the event, if other than above:  
(Include information how this person may be contacted at any time during the event).

Name Garry M. Proctor Work Phone 207 571-9401

Address 743 Portland Rd, Saco ME 04072  
City State Zip

Cell phone 207 400-7940 Fax 207

E-mail gproctor22@gmail.com

4. SET-UP Date for Event 10/8/23 Day of Week Sunday from \_\_\_\_\_ to \_\_\_\_\_

Date of Event 10/8/23 Day of Week Sunday from 4:00 to 8:00pm

Date of Event \_\_\_\_\_ Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

Date of Event \_\_\_\_\_ Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

Date of Event \_\_\_\_\_ Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

TAKE-DOWN date \_\_\_\_\_ Day of Week \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

RAIN DATE(s) None Times NOT APPLICABLE

(if rain date listed, insurance must list rain date)

5. Location of the Event The Brunswick  
(if applicable, a map or diagram showing the area to be used, or parade route)

6. The estimated number of participants in the event  
\_\_\_\_\_ 0-150;  150-500; \_\_\_\_\_ 500-1000; \_\_\_\_\_ 1,000+

7. If a parade or public gathering, will it occupy any or all of the roadway involved or to be traversed? (if yes, explain). Use extra sheet of paper to describe exact route of parade, including any water stops.

NO THERE IS NO PARADE/PUBLIC GATHERING

8. Will the sale of food and/or beverages occur at the event?  If yes, describe the commodities to be sold.

- Alcoholic Beverages (only at Ballpark, using Ballpark Licensee)  Pot Luck Items
- Professional Catering  Non-Profit Food Vendors  Retail Food Vendors

Beverages will be sold by The Brunswick

9. Will there be merchandise sold at the event?  YES  NO

Description of merchandise \_\_\_\_\_

10. Is the event a Charitable event?  YES  NO

Is this event co-sponsored by the Town of Old Orchard Beach?  YES  NO

If this event a Regional School Unit #23 event?  Yes  NO

(The request for a waiver can only be requested if the event is a RSU #23 event or sponsored or co-sponsored by the Town of Old Orchard Beach).

11. If the event is charitable, name the beneficiary of the proceeds from the event:

GMS Churches is the host (501(c)(3)) - Beneficiaries shall be: Warriors and Girl Scouts

12. List any Event Sponsors:

- 2) Portland Boxing Club
- 3) Thurston Academy Field House @/h/o Cliff Perry
- 4) Frank Jordan Grant for Veterans in Need

Will admission be charged for the event?  YES  NO

Will participants be charged for parking?  YES  NO

(Tickets will be sold prior)

13. Has this event been held previously in Old Orchard Beach?

YES (if yes, please list dates): 9/11/22 @ The Brunswick  
 NO

14. What is the applicant doing to ensure the event will not endanger the public safety or disturb the peace? Describe your plans for security at your event, including crowd control (attach additional sheets if necessary). Security plan will need final approval by the Old Orchard Beach Police Department and they have final say in appropriate number and type of security personnel required. Must include at least one Old Orchard Beach Police Officer, if security is required. Costs associated with security are the sole responsibility of the event organizer.

Please describe your security plan (including your plans for controlling ingress/egress of all persons, vehicles, equipment, and Emergency Medical Services) :

The event is 4 hours and we will utilize The Brunswicks Security Staff

Additional Uniformed presence provided by:  Off-Duty Police Officers;  Private Security;  Volunteers

Times: 4-9:00pm How many? NOT SURE BUT WILL BE PROVIDED BY The Brunswick

If you have already made contact with someone about security, provide the contact name and number:

Name: Tom Lacasse, The Brunswick Phone Number: \_\_\_\_\_

Please list any items that will be left overnight. If equipment will be left on-site overnight, provide details for personal property safety and security of site: (Note that the event organizer is solely responsible for items left on the property. The Town assumes no responsibility for items of personal property at the location at any time)

Nothing is left at fireworks site

Will audible devices be used at this event? \_\_\_\_\_ YES  NO

If yes, what type of devices will be used? What time will they be used? (Decibel level limits are in Chapter 26 of the Code of Ordinances).

\_\_\_\_\_  
\_\_\_\_\_

Where will the event attendees/participants park? They will park on street by the Brunswick, but attendee's will view fireworks from patio @ The Brunswick.

Will a shuttle service be provided from parking areas to the event site? \_\_\_\_\_ YES  NO, not necessary

If yes, please describe shuttle plan, and name of company provided service:

\_\_\_\_\_  
\_\_\_\_\_

Will you require special parking (RV's, trailers, trucks)? \_\_\_\_\_ YES  NO

If yes, give details: \_\_\_\_\_  
\_\_\_\_\_

15. Describe your plans for waste disposal at your event. What arrangements have you made for removal and disposal of trash generated by your event? Please supply details of numbers and type of containers and supplier of containers that will be used. (Attach additional sheets if necessary) Costs associated with waste disposal are the sole responsibility of the event organizer. Disposal in Town trash receptacles is NOT an accepted means of disposal, and is prohibited.

The Brunswick is hosting the event so trash will be through them. We assume the fireworks company will clean up soon they light off fireworks.

Is the use of barricades necessary/requested for this event? No

If yes, number needed and location \_\_\_\_\_

Will it be necessary to cover street and/or parking signs for this event, or place no parking signs?

\_\_\_\_\_ YES  NO If yes, please describe:

\_\_\_\_\_  
\_\_\_\_\_



Is any other public works assistance needed? \_\_\_\_\_

If using First Street or Memorial Park Parking Lot, has the applicant reserved two spaces for Amtrak Parking? \_\_\_\_\_.

16. Will there be any use of fire (i.e. tiki torches, grills, barbecues, bonfires, etc?) For Bonfires, the pit/bonfire must be pre-approved for use by the Fire Department; the wood to be burned has no paint or nails; the portable pit or bonfire can be removed or filled in after the event leaving no residue or noticeable impact; a small water extinguisher and shovel are present; at least one adult be assigned to "keep fire watch" at all times. **Note a burn permit must also be obtained from the Fire Department for the date specified on the date of the event. The Fire Department will issue a permit based on class day as listed by the Maine Forest Service. Permission may be refused or revoked if the Maine State Forestry Commission (governing body) declares a "Red Flag" day on which NO open fires may be allowed in our zone. A \$100 cash deposit is required for all fires to be returned to the applicant if the area is cleaned to the satisfaction of the public works department and/or fire department.**

\_\_\_\_ YES \_\_\_\_ NO

If yes, explain: No bon-fires, just professional fireworks display  
Pyrotechnico FIREWORKS, JAFFREY, NH.

17. Describe your plans for all signage and/or decorations for the event. Please include type of signage to be used, and description of verbiage being posted on signage.

The signage is all inside The Brunswick, while Fireworks display  
shall be launched away from everyone at end of street by Palace Playas.

Will this event be posting a banner on public property? \_\_\_\_ YES  NO

If yes, please list requested dates, dimensions of banner, wording on banner, and location (no more than two weeks prior to the event):

\_\_\_\_\_  
\_\_\_\_\_

18. Alcohol is not allowed on public property, except as outlined in the liquor license for the Ballpark. If this is a Ballpark event, will there be alcohol available for consumption? Note, if alcohol is being served, the Town requires additional Liquor Liability Insurance (**minimum \$2,000,000, listing Town of Old Orchard Beach as additionally insured**): \_\_\_\_ YES \_\_\_\_ NO

This is NOT A BALLPARK EVENT! THE event is being  
held at The Brunswick and <sup>Page 7 of 12</sup> the crowd shall not be close  
to where professionals will light fireworks.

Will the alcohol be: \_\_\_\_\_ Sold; \_\_\_\_\_ Given away; \_\_\_\_\_ Both

Describe the type of alcohol to be served, times consumption will be allowed, and plans for controlling consumption:

Alcohol shall be sold by The Brunswick pursuant to State  
Statute and local code/ordinance as they always do.

19. If this is a Ballpark Event, have you signed an agreement with the Ballpark Commission for use of the Ballpark? \_\_\_\_\_ Yes, it's attached  No

20. Will the event involve professional fireworks?  YES \_\_\_\_\_ NO

Consumer Fireworks are prohibited. If professional fireworks are requested, what is the name of the Pyrotechnics Company? Pyrotechnico fireworks, Jaffrey NH  
(If fireworks are requested, the Fire Chief or his designee must approve of the site prior to the application being submitted to the Town Council for consideration. The Pyrotechnics Company must submit the approval the Maine State Fire Marshal's Office at least one week prior to the event, and the event sponsor's insurance must list that fireworks are occurring).

What time/date will the fireworks display occur? 7:55<sup>pm</sup> - 8:05<sup>pm</sup> on 10/8/23

21. Will there be any kind of animals at this event? (e.g. petting zoo, pony rides, etc.) \_\_\_\_\_ YES  NO

If so, please indicate the location of the animals on the Site Plan/Map.

22. Piping Plovers are state and federally protected birds that nest on beaches. There are mandatory beach management guidelines from April 1<sup>st</sup> through August 31<sup>st</sup> of each year. Will this event occur on the beach?  YES \_\_\_\_\_ NO

If yes, you must contact the Public Works Department at 207-934-2250, approximately one week prior to the event. In the event there are any active piping plover nests in the vicinity of your event, you may have to move your event farther down the beach, or request permission to change the date of your event.

**Piping Plover Essential Habitat:** The Maine Department of Inland Fisheries and Wildlife (MDIFW) has designated two areas on Old Orchard Beach as "Essential Habitat" for nesting piping plovers. By statute, a state agency or municipal government shall not permit, license, fund, or carry out projects that will significantly alter an Essential Habitat or violate protection guidelines adopted by MDIFW. This rule is not a prohibition of all projects within areas designated as Essential Habitat. **However, projects must be reviewed by MDIFW before Town approval.**

If the event is located partly or wholly within a mapped Essential Habitat the applicant will need to coordinate with municipal staff to submit a "Request for Project Evaluation" to MDIFW. MDIFW will evaluate the final project proposal per review standards established for Essential Habitats and determine if the project would significantly alter the habitat or violate protection guidelines.

***The applicant is encouraged to obtain MDIFW guidance during project planning and design. Early involvement of MDIFW will help to minimize or avoid potential conflicts, facilitate cooperation between all parties, and enable quick turnarounds on project evaluations.***

23. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town of Old Orchard Beach Town Clerk's Office 30 days prior to the event date. The applicant shall at its own cost and expense furnish a policy or policies for property damage or bodily injury in the amount of at least \$500,000. The Town of Old Orchard Beach **MUST** be listed as an Additional Named Insured.

\_\_\_\_\_ Yes, it has been provided with the application; \_\_\_\_\_ No, it will be provided at least 30 days prior to the event.

24. Is the applicant requesting the use of the RSU #23 school property (schools, parking lots, playing fields)? \_\_\_\_\_ YES \_\_\_\_\_ NO. If yes, has the applicant received approval from RSU #23 or the date the applicant will receive approval?

---

---

## SPECIAL EVENT PERMIT AGREEMENT

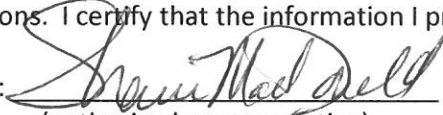
I, Sharon Macdonald on behalf of OORB365  
(Print Applicant Contact Name) (Print Organization/Group Name)

Agree to abide by the following Special Event requirements:

1. All pre-event determined fees shall be paid at least two weeks prior to the event. I agree to pay any costs determined after the event immediately upon receipt of invoice.
2. Certificate of Insurance and Additional Insured Endorsement page must be provided to the Town Clerk's Office at least 30 days prior to the event date. The Town of Old Orchard Beach MUST be listed as an Additional Name Insured with the proper endorsement included. SM (initial)
3. To develop a comprehensive security plan in conjunction with the Old Orchard Beach Police Department.
4. Town property shall not be removed from the premises including but not limited to benches, trashcans, tables, chairs, fencing, signs, etc.
5. Premises will be left in as good a condition as received except for reasonable wear and tear. All trash will be disposed of properly within 12 hours of the end of the event. I accept responsibility for any damages that might occur during the period of use.
6. To comply will all laws, rules, and regulations of the federal, state, and Town governments governing operations and conduct on Town property.
7. This permit agreement may be terminated by the Town of Old Orchard Beach at any time upon finding a violation of any rule, ordinance, and/or condition of the permit or upon good cause shown.
8. For myself and any other persons, organizations, firms and corporations sponsoring the event, which is the subject of this permit application, jointly and severally, hereby contract and agree to pay all costs of services provided by the Town of Old Orchard Beach, in support of said event.
9. For myself and any other persons, organizations, firms, and corporations sponsoring the event which is the subject of this permit application, jointly and severally, hereby contract and agree to indemnify, defend and hold harmless the Town of Old Orchard beach, its officers and employees, against all claims, loss or liability from any claim or suit arising or alleged to have arisen from any act or omission of said applicant, its agents, invitees or other sponsor in connection with said event.

10. The facility/area is provided in an "as is" condition. The event organization assumes all responsibility for the security and safety of all participants and spectators of the event.
11. I understand that the Town of Old Orchard Beach has no responsibility for equipment and/or items of personal property at the location at any time.
12. Any misrepresentation or deviation from the final permit conditions will result in immediate revocation of the permit and halting of the event.
13. Events are considered rain/shine. Refunds are not issued if the event does not occur.
14. The permit does not authorize alcohol on any public property, including, but not limited to the beach, Memorial Park, streets and sidewalks.
15. Consumer Fireworks are illegal in Old Orchard Beach.

I have read and understand the Special Events Permit Agreement terms and conditions and I agree to be bound by said terms and conditions. I certify that the information I provided is accurate to the best of my knowledge.

Signature:  Date: 8-11-23  
(authorized representative)

Print name: SHAWN MACDONALD

Print Organization Name (if applicable): 005365

**SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)**

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location  
Event Coordinator's Booth  
Tents/Stages/Grandstands  
Porta Potties/Rest Rooms

Vendor Locations  
Garbage Cans  
Water Sources

Street Closures/Parking Information  
Water/Electricity Sources  
Loudspeakers





Old Orchard Beach  
140' radius circle - 2" max

Legend  
Palace Playland

300 ft

N

Google Earth



# GMP Charities, Inc.

(a 501(c)(3) Non-Profit Corporation)

PRESENTS

3<sup>rd</sup> Annual

“TAILGATE FOR CAUSES”



The Third Annual “Tailgate for Causes” will be held at The Brunswick in Old Orchard Beach on **Sunday, October 8, 2023**. This year’s event will benefit Warriors and Quiet Waters, Portland Boxing Club, as well as recently deceased Bronze Star Veteran and Philanthropist Frank Jordan of Veazie, Maine, as well as recently deceased, local Saco businessman, resident, and military veteran, Clifford Purvis who was heavily involved with Thornton Academy sports programs.

**WARRIORS AND QUIET WATERS** is a 501(c)(3) organization located in Bozeman, Montana and is specifically focused on assisting Post 9/11 Veterans who are experiencing difficulties reacclimating back into society by bringing them out to their Ranch in Montana and administering private one on one counseling and group therapy through “fly fishing” in the majestic mountains, on some of the best freshwater fly-fishing spots in the Country. These Veterans have had catastrophic life altering injuries, and experiences, that we, as civilians, can’t even imagine. We as Americans, have a duty to assist these brave young men and women, especially where our government has largely abandoned them and failed to address their issues adequately! You can find out more about Warriors and Quiet Waters by following these links. [Here is a link](#) to see photos and videos of WQW’s base of operations, Quiet Waters Ranch and [Here is a link](#) to learn more about the Warrior application process. This page does a great job of outlining what Warriors can expect in participating in a WQW program. Our intention is to surpass last years \$54,000.00 we raised and provide more Veteran’s access to their ranch in Bozeman, Montana for a life changing experience for them.

As the attendees over the last 2 years have learned, the **PORTLAND BOXING CLUB** is a 501(c)(3) non-profit organization in Maine that has existed for more than three (3) decades assisting underprivileged youth in Maine, developing them into young men/women who become champions both in and out of the Boxing ring, and productive members of our society and local communities, which is sorely needed in this day and age. They operate mainly on fundraising proceeds/efforts from Events like ours and are extremely appreciative of the monies we raise for them. Successful fundraising efforts are critical to their existence. For more information on Portland Boxing Club, please check out their website at [Portland Boxing Club](#). We are seeking to exceed last year’s goal of \$20,000.00 and raise \$25,000.00.

This year, we also focused on two (2) recently deceased, outstanding local Maine Veteran’s to honor, who have put their love of Country and Community at the forefront of their lives.

**FIRST HONOR GRANT** goes to local **SACO, MAINE RESIDENT AND VETERAN, CLIFFORD PURVIS**. Cliff attended Thornton Academy, graduating in 1954, then attended Bentley School of Accounting and Finance in Boston (now Bentley University), graduating with a degree in accounting in 1956. He opened a sole practitioner accounting office in January 1957 on Main Street in Saco, and became a real estate broker in 1958, eventually co-founding Vacationland Realty. Cliff was a self-employed accountant and real estate broker for nearly 40 years until his retirement in 1995. In 1958, Cliff joined the Air National Guard in South Portland, serving for six years until he was discharged in 1964. Cliff was very involved with his local community, serving in various capacities for several organizations including the Saco-Biddeford Kiwanis Club, Saco Industrial Park Corporation, Dyer Library, Thornton Academy, Maremont Little League, Rivergreen Bank, and the Lucia Kimball Deering Trust and Kimball Health Center. Cliff could often be seen on one of his daily walks around downtown Saco and Biddeford, enjoying coffee with friends at the Golden Rooster, or at a Thornton Academy sporting event. Cliff was an Honorary Member of the Board of Directors for Tailgate for Causes and was looking forward to being involved with this year’s events before his recent premature death. To help further Cliff’s love of community and a campaign he deeply supported, Tailgate for Causes is looking to fulfill his dreams to donate to the Thornton Academy Field House in “Honor of Clifford Purvis”. Our fundraising goal is \$7,500.00.



**SECOND HONOR GRANT** goes to **BRONZE STAR RECIPIENT VETERAN FRANK JORDAN JR.** who passed away at his home, March 25, 2023, after fighting a courageous battle with cancer. Frank spent three years serving our country with distinction in the U.S. Army and was a Bronze Star recipient for his courage, bravery, and heroism in battle. He was passionate about his sports memorabilia collections, covering all major league sports and University of Maine hockey. His impressive collections eventually took over his whole house as he continually bought, sold, and displayed his many interesting items. He also made considerable donations from his collections to various organizations for their fundraising efforts including Tailgate for Causes. Throughout his life and beyond, Frank was an active member of the community, giving back in many ways as a member of numerous organizations or starting events on his own. Frank was a member of Mechanics Masonic Lodge #66 of Orono for 50 years, as well as a member of Anah Shrine, where he was one of the original Keystone Cops, entertaining kids of all ages in area parades. He was a member of Scottish Rite Bodies Valley of Portland and Bangor, a longtime member of the B.P.O.E Elks Club, and a member of the Brewer Eagles Club and the Orono American Legion Post 84. His devotion to the University of Maine Men's Ice Hockey team, however, was second to none. To honor Frank's love of his Country, Tailgate for Causes' goal is to offer two (2) scholarships to local area Veterans in need, who have done as Frank did, serving their Country honorably, and being an active member of their community, yet have just fallen on some tough times. Our fundraising goal is \$7,500.00.

**Tickets for the "3<sup>rd</sup> Annual Tailgate for Causes" will go on sale on *JULY 1, 2023*.** In the meantime, if you, your Company, or someone you know, may want to participate as a Sponsor, or offer support in planning, or "day of Event facilitation", please don't hesitate to call me or April Gardner at the office at (207) 571-9110 or my personal cell (207) 400-7940.

Our goals are noted above and exceed the 2022 giving, and we can only achieve this with your help and support. The primary goal of the event is to provide Mainer's with the much-needed support they need and would not have normally received. Last year there were over 400 people who attended the event. The Brunswick has the largest beachfront patio Bar in Maine and is the foremost beach venue in the State. The event will also incorporate a Live and Silent Auction, multiple football games on 40 TV screens, multiple live bands, over 25 Tailgate Foods, cornhole, volleyball, fire pits, and a Beach Front Fireworks Finale...all directly on the most beautiful beach in Maine! This is a wonderful opportunity for the business community to get involved, as well as gain business exposure in the community. Your support in the form of Sponsorship, Banner, or Program ads will go a long way to helping provide opportunities for Maine Veterans as well as socio-economically disadvantaged young men and women. Thank you for your support.



### **SPONSORSHIP OPPORTUNITIES**



#### **GOLD PACKAGE**

**\$7,000.00** – Sponsor a Veteran for a one-week retreat to Warrior & Quiet Waters in Bozeman, Montana with all expenses paid including air travel to Montana, comfortable lodging, home-cooked meals, professional instruction, and gear for fly fishing. This also includes 10 free event tickets, as well as a full-page Program ad. You will also be recognized in all advertisements (print and radio), posters, and day of event banners. Last, but certainly not least, we will also provide you with one hotel room on the beach for Saturday/Sunday of event.

#### **SILVER PACKAGE**

**\$3,500.00** – Sponsor the 15-minute Grand Finale All American/Red, White & Blue Fireworks display that will be displayed as a grand finale of the day and a tribute to our Veterans. This also includes 5 free event tickets, as well as a full-page Program ad. You will also be recognized in all advertisements (print and radio), posters, and day of event banners.

**\$3,500.00** – grant provided to a local Maine Veteran who is down on their luck and in need of financial assistance that can't wait for Government bureaucracy to act.

#### **BRONZE PACKAGE**

**\$1,500.00** – Sponsorship includes 6 event tickets **OR** a full-page Program ad.

**PBC PACKAGE**

**\$1,500.00** – Sponsorship includes 6 event tickets, and Portland Boxing Club golf shirt, sweatshirt, shorts, and hat.

**GOOD SAMARITAN PACKAGE**

**\$750.00** – Private donation includes acknowledgement business card size Ad in the Program and 2 event tickets.

**IN MEMORIAM PACKAGE**

**\$500.00** – Donation includes 2 event tickets, acknowledgment of deceased friend or relative in Program.

**PATRIOT DONATION**

Any personal donation is welcome and will be recognized in our list of Donors in the Program.



**PROGRAM/ADVERTISING OPPORTUNITIES**



**BANNER ADS**

Have **YOUR** 4' x 6' banner displayed in a prime location at the event. Along with your banner you will receive a full-page souvenir program ad, plus 6 event tickets. **\$2,250.00**

**SOUVENIR PROGRAM ADS**

Back Outside Page	<b>\$1,500.00</b>	Quarter-Page	<b>\$ 250.00</b>
Back Inside Page	<b>\$1,000.00</b>	Half-Page	<b>\$ 500.00</b>
Front Inside Page	<b>\$1,000.00</b>	Full-Page	<b>\$ 750.00</b>
Center Page	<b>\$1,000.00</b>		

**\*\*PLEASE CIRCLE SPONSORSHIP OR ADVERTISING OPTION CHOSEN\*\***

*GMP Charities, Inc.* agrees to print the advertisement in our program, however all advertisement must be camera ready. Please attach your black and white **“camera ready”** ad to this form. If the artwork is not black on white to the ad size, we are not responsible for reproduction quality. If you contact your printer and ask for your **“STAT”** or **“PMT”**, they will have your camera-ready ad. You must return your ad no later than August 15, 2023 and return it to the address below.

It is important that your sample is **“camera ready”**.

You will receive a program on or before October 1, 2023 with your passes from a representative of the event. Please make checks payable to **“GMP Charities, Inc.”**

Advertiser/Company \_\_\_\_\_

Contact Person \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

E-Mail Address \_\_\_\_\_

**GMP Charities, Inc.**

(a 501(c)(3) Non-Profit Corporation)

743 Portland Road, Saco, Maine 04072

Phone (207) 571-9110 Cell (207) 400-7940

[gmpcharities@gmail.com](mailto:gmpcharities@gmail.com)